

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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GARY CARTER,

Plaintiff,

vs.

OFFICER HOWARD, et al.,

Defendants.

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No. 11-2361-JDT/tmp

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ORDER ADOPTING REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
AND DENYING PLAINTIFF'S MOTION FOR COURT TO ACCEPT JUDGMENT  
AS UNNECESSARY

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Plaintiff Gary Carter, an inmate, filed a pro se complaint pursuant to 42 U.S.C. § 1983, against Officer Howard, Officer Harris, and Sergeant Paige. Because Defendants did not file an answer or otherwise respond to the complaint, on June 20, 2012, the court granted Plaintiff's motion for a default judgment and referred the matter to Magistrate Judge Tu M. Pham for a report and recommendation on damages. On August 24, 2012, Magistrate Judge Pham submitted his report and recommendation [DE# 36]. Plaintiff has filed a motion for leave of court to accept the report [DE# 38]. Plaintiff's motion is DENIED as unnecessary.

The time for any objections has expired, and no objections have been made. Therefore, the report and recommendation of Magistrate Judge Tu M. Pham is hereby

ADOPTED in its entirety. The clerk is directed to enter judgment in favor of Plaintiff. Plaintiff is awarded damages in the amount of five thousand dollars (\$5000) against Defendant Harris. No damages are awarded against Defendants Howard or Paige.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE